

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #6	CCRB Case #: 202008256	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/15/2020 5:00 PM	Location of Incident: § 87(2)(b)	Precinct: 48	18 Mo. SOL 6/15/2022	EO SOL 6/15/2022	
Date/Time CV Reported Thu, 12/17/2020 11:27 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 12/17/2020 11:27 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			048 PCT
2. PO Jason Garcia	18851	967885	048 PCT
3. PO Danilo Mcleish	11531	967599	048 PCT
4. PO Richard Kissane	30366	967143	048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Juan Acostavilla	30227	966924	048 PCT
2. PO Nicole Krauss	03187	961535	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Richard Kissane	Abuse: Police Officer Richard Kissane entered § 87(2)(b) in the Bronx.	
B. PO Jason Garcia	Force: Police Officer Jason Garcia hit § 87(2)(b) against a wall.	
C. PO Danilo Mcleish	Force: Police Officer Danilo McLeish hit § 87(2)(b) against a wall.	
D. PO Jason Garcia	Force: Police Officer Jason Garcia used a chokehold against § 87(2)(b)	
E. PO Jason Garcia	Force: Police Officer Jason Garcia used physical force against § 87(2)(b)	
F. PO Jason Garcia	Discourtesy: Police Officer Jason Garcia spoke discourteously to § 87(2)(b)	
G. PO Jason Garcia	Abuse: Police Officer Jason Garcia threatened § 87(2)(b) with the use of force.	
H. PO Danilo Mcleish	Discourtesy: Police Officer Danilo McLeish spoke discourteously to § 87(2)(b)	
I. PO Danilo Mcleish	Discourtesy: Police Officer Danilo McLeish spoke discourteously to § 87(2)(b)	
J. An officer	Force: An officer used physical force against § 87(2)(b)	
K. An officer	Force: An officer used physical force against § 87(2)(b)	

Case Summary

On December 17, 2020, § 87(2)(b) filed this complaint with the CCRB on behalf of herself and her minor sons, § 87(2)(b) and § 87(2)(b) via the Call Processing System.

On December 5, 2020, at 5:00 p.m., § 87(2)(b) got into a physical altercation with her neighbor in her building, located at § 87(2)(b) in the Bronx. § 87(2)(b) called 911 and PO Jason Garcia and PO Danilo McLeish along with other officer from the 48th Precinct responded to the location. The officers determined that both § 87(2)(b) and her neighbor would be arrested and PO Kissane and officers followed § 87(2)(b) into her apartment to arrest her (**Allegation A – Abuse of Authority: § 87(2)(g)**). PO Garcia and PO McLeish allegedly slammed § 87(2)(b) into a wall (**Allegations B and C – Force: § 87(2)(g)**). PO Garcia placed § 87(2)(b) into a chokehold (**Allegation D – Force: § 87(2)(g)**). PO Garcia forcibly took § 87(2)(b) to the floor (**Allegation E – Force: § 87(2)(g)**). PO Garcia told § 87(2)(b) “You’re going to get fucking tased,” and arced his taser (**Allegation F – § 87(2)(g)**) (**Allegation G – Abuse of Authority: § 87(2)(g)**). PO McLeish said to § 87(2)(b) “Give me your fucking hands” (**Allegation H – Discourtesy: § 87(2)(g)**). After the officers placed § 87(2)(b) in handcuffs the officers escorted her out of the building. While walking out, PO McLeish said “bloodclot” while speaking with § 87(2)(b) (**Allegation I – Discourtesy: § 87(2)(g)**). After the incident, § 87(2)(b) learned that the officers allegedly pushed her two children, § 87(2)(b) and § 87(2)(b) (**Allegation J and K – Force: § 87(2)(g)**). § 87(2)(b) arrest was voided after they officers deemed her to not be the primary aggressor.

Ten BWC videos of this incident were obtained and can be found in IAs #94-103. A summary of the footage can be found in IA #106 (**Board Review 01**).

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Richard Kissane entered § 87(2)(b) § 87(2)(b) in the Bronx.

On December 15, 2020, at approximately 4:51 p.m., § 87(2)(b) called 911 following a physical altercation with a tenant on the second floor of her building. Approximately six to seven officers from the 48th Precinct arrived within three to four minutes, and § 87(2)(b) met them in front of the building and explained that she had fought with her neighbor. § 87(2)(b) noted that she had sustained injuries after the altercation with her neighbor, including a laceration above her right eye and bruising and bleeding from her mouth. § 87(2)(b) dentures on her bottom teeth were also broken. One of the officers asked § 87(2)(b) if she needed medical attention, to which she said yes. The officers went to the second floor to speak with the neighbor who was involved in the altercation. During that time, § 87(2)(b) went back up to her apartment. § 87(2)(b) children were in the apartment at the time, including her eight-year-old son, § 87(2)(b) and her 11-year-old son, § 87(2)(b). EMS arrived on scene and § 87(2)(b) sat on the steps in the hallway while EMS examined her. One of the EMTs stated that he needed to get gauze from the ambulance, and § 87(2)(b) stated that she had some in her apartment and would go get it. § 87(2)(b) stood up to enter her apartment, and approximately four officers followed her up the stairs to the third floor. The officers did not say anything to § 87(2)(b) including telling her to stop or that she was under arrest, and she continued moving towards her apartment. She realized that the officers were approaching her and asked what they needed while simultaneously walking backwards into her apartment. The officers did not respond. § 87(2)(b) allowed the officers to enter her apartment with her and asked them why they were there, to which the officers did not respond. § 87(2)(b) stood with the officers in a small hallway in her apartment near the front door (**Board Review 02**).

PO Richard Kissane’s BWC footage, starting at the 09:00, shows that § 87(2)(b) is standing on the landing between the two floors when PO Kissane speaks with PO Holmes about § 87(2)(b).

being under arrest. § 87(2)(b) walks up the stairs and into her apartment and PO Kissane follows. § 87(2)(b) walks into her apartment, looks back at PO Kissane approaching her, and says, “You can come in.” PO Kissane replies, “Yeah, we’re coming in.” The officers then enter her apartment into a hallway near the front door (**Board Review 03**).

As PO Kissane entered the apartment first, this allegation is pleaded to him.

PO Kissane testified that he was backing PO Holmes, to whom the job was assigned. PO Holmes interviewed § 87(2)(b) neighbor, and determined that § 87(2)(b) and the neighbor would both be arrested as they were cross complainants. § 87(2)(b) who was previously lingering on the stairs despite being ordered to go back to her apartment, ran to her apartment. PO Kissane believed that she heard PO Holmes state that she was under arrest due to her sudden willingness to go to her apartment. PO Kissane followed § 87(2)(b) and PO Juan Acostavilla, PO Nicole Krauss, PO Garcia, and PO McLeish followed. PO Kissane got to § 87(2)(b) apartment door first, which was open, and § 87(2)(b) told PO Kissane that he could enter unprompted (**Board Review 04**).

PO Acostavilla, PO Krauss, PO Garcia, and PO McLeish’s statements were generally consistent with PO Kissane’s statement and each officer testified that they also entered § 87(2)(b) apartment to place her under arrest (**Board Review 05, 06, 07, 08**).

The hot pursuit doctrine stated that a criminal suspect may not thwart an otherwise proper arrest which has been set in motion in a public place by retreating into his residence People v. Caputo, 155 A.D.3d 648 (2017) (**Board Review 09**).

PO Kissane’s statement was consistent with his BWC footage which shows that the officers decided to arrest § 87(2)(b) in a public place, after which she entered into her apartment and invited the officers inside. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B – Force: Police Officer Jason Garcia hit § 87(2)(b) against a wall.

Allegation C – Force: Police Officer Danilo McLeish hit § 87(2)(b) against a wall.

§ 87(2)(b) testified that after the officers were in the apartment, § 87(2)(b) raised her left hand to point to the living room and stated that her children were in that room. PO Kissane grabbed § 87(2)(b) left hand and pushed her into the wall face first. § 87(2)(b) hit the right side of her face on the wall and felt dazed. The officers then took her into the building hallway. In the hallway, the officers pushed § 87(2)(b) face first against a wall again. § 87(2)(b) was not physically fighting the officers or resisting in any way, although she was yelling and asking the officers what they were doing (**Board Review 02**).

PO Kissane’s BWC footage, starting at the 09:19 mark of the timestamp visible at the bottom of the screen, shows that after PO Kissane entered § 87(2)(b) apartment he grabbed her left elbow. § 87(2)(b) asks, “You’re locking me up?” PO Kissane replies, “Yes, you’re under arrest.” § 87(2)(b) places her right hand on the corner of the wall and pulls away from PO Kissane while stating, “My Kids.” PO Kissane pulls her hand off the wall and passed § 87(2)(b) off to PO Krauss, PO Garcia, and PO McLeish who stand near the doorway. At no point is § 87(2)(b) pushed into a wall inside of her apartment (**Board Review 03**).

PO Garcia's BWC footage from the same moment, starting at the 10:05 mark of the timestamp visible at the bottom of the screen, shows that after PO Kissane handed § 87(2)(b) off, the officers attempt to get her out of the apartment and § 87(2)(b) pulls her body away from the officers while saying, "Hold on, my kids." At 10:07, PO McLeish, who is outside of the apartment, pulls on § 87(2)(b) left arm. § 87(2)(b) turns around and braces herself against the doorframe with her body and right arm. PO Garcia grabs § 87(2)(b) by her torso with either hand while saying, "Not in front of the kids," and escorts her out of the apartment. PO Garcia and PO McLeish then place § 87(2)(b) against the wall outside of the apartment and attempt to handcuff her. § 87(2)(b) repeatedly states, "Hold on," while pulling her arms away from the officers. At 10:19, § 87(2)(b) breaks free from the officers, comes off the wall, and faces the officers (**Board Review 10**).

PO Garcia testified that inside of the apartment, an officer told § 87(2)(b) that she was under arrest. § 87(2)(b) resisted the officers and did not listen to commands to place her hands behind her back. She yelled and grabbed onto walls to prevent the officers from removing her from the apartment or handcuffing her. § 87(2)(b) children were in the apartment and PO Garcia was trained to not effect arrests in front of children if possible, so PO Garcia wanted to get her out of the apartment and into the hallway. PO Garcia said, "Not in front of the kids, let's step outside." The officers, including PO Garcia, got § 87(2)(b) out of her apartment by holding onto her arms and escorting her into the hallway. The officers did use any force on her besides guiding her out of the apartment. Outside of the apartment, PO Garcia placed § 87(2)(b) up against the wall to help facilitate placing her in handcuffs – she was not slammed into the wall and PO Garcia did not recall her face hitting the wall. (**Board Review 07**).

PO McLeish's testimony was consistent with PO Garcia's statement. He testified that outside of the apartment, he and PO Garcia attempted to place § 87(2)(b) in handcuffs and § 87(2)(b) began to push the officers and attempt to kick them. PO McLeish placed § 87(2)(b) against the wall to aid in placing her in custody because she was fighting (**Board Review 08**).

§ 87(2)(b) alleged that after entering the apartment, that an officer pushed § 87(2)(b) against a wall inside of the apartment, causing her to hit her head and feel dazed. Once outside of the apartment, officers again pushed her against a wall, even though she was not resisting. PO Garcia and PO McLeish both testified that once § 87(2)(b) was outside of the apartment they placed her against the wall to facilitate placing her in handcuffs as she was resisting arrest. Their statements are supported by the BWC footage, which shows that § 87(2)(b) placed herself against the wall inside of the apartment, and that she was resisting the officers by telling them to "hold on" and pulling her body away from them. Furthermore, the BWC shows that PO Garcia and PO McLeish did not slam § 87(2)(b) into the wall in the building hallway, that they placed her against the wall to aid in placing her in handcuffs § 87(2)(g)

Allegation D – Force: Police Officer Jason Garcia used a chokehold against § 87(2)(b)

Allegation E – Force: Police Officer Jason Garcia used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after PO Garcia and PO McLeish pushed her against the wall, PO Garcia told her that she was "not listening," and took her to the floor by holding onto § 87(2)(b) arms and falling to the floor with her (**Board Review 02**).

PO McLeish's BWC footage, starting at the 10:14 mark of the timestamp visible at the bottom of the screen, shows that PO Garcia and PO McLeish have § 87(2)(b) against the wall and attempt to handcuff her when § 87(2)(b) breaks free from the officers and tells them to "hold on." At 10:18, PO Garcia walks behind § 87(2)(b) and places his left arm around her shoulder and places his left hand on her right shoulder. PO Garcia's forearm is across § 87(2)(b) neck and her chin is seen on

top of PO Garcia's forearm. PO Garcia pulls back on § 87(2)(b) and her head and torso go backward. PO Garcia then pulls § 87(2)(b) to the floor (**Board Review 11**).

PO Garcia testified that after § 87(2)(b) was against the wall, he and PO McLeish held onto § 87(2)(b) arms and attempted to pull them behind her back. § 87(2)(b) flailed her arms, trying to break free of the officers' grasp, and was belligerent, and knocked PO Garcia's BWC off his body. PO Garcia and other officers repeatedly told § 87(2)(b) that she was under arrest, but she was not compliant in being placed in handcuffs. PO Garcia took § 87(2)(b) to the floor to overcome her resistance – he did so by wrapping his arms around her chest from behind her and pushing her forward, but § 87(2)(b) locked her legs. PO Garcia overcame this by pushing harder to overcome her resistance PO Garcia did not wrap his arm around § 87(2)(b) neck.

After reviewing his BWC footage, PO Garcia testified that in the footage, his left arm is on the top half of § 87(2)(b) chest, and his hand is holding her right shoulder. At no point did his forearm make contact with § 87(2)(b) neck. PO Garcia denied that his forearm was against § 87(2)(b) throat. He stated that his forearm was on her chest, and he pulled from her shoulder to flip her around and take her to the ground (**Board Review 07**).

When appropriate and consistent with personal safety, members of service (MOS) will use de-escalation techniques to safely gain voluntary compliance. MOS are to use the minimum force necessary to effect an arrest. In determining whether the use of force is reasonable, MOS should consider the nature and severity of the crime, actions taken by the subject, duration of the action, immediacy of the perceived threat, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, number of subjects in comparison to the number of MOS, size, age, and condition of the subject in comparison to the MOS, subject's violent history if known, presence of hostile crowd or agitators, and if the subject is under the influence of any substances. Officers shall not use a chokehold. A chokehold shall include, but is not limited to, and pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air (**Board Review 12**). NYPD Patrol Guide, Procedure 221-01

Although § 87(2)(b) did not allege that PO Garcia placed her in a chokehold, the BWC footage shows that PO Garcia placed his arm across her neck, as indicated by the fact that her chin is seen on top of his forearm. The footage then shows that PO Garcia took § 87(2)(b) to the ground by pulling back on his arm that was across her neck, causing her head and torso to go back § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

It is undisputed that PO Garcia took § 87(2)(b) to the floor. PO Garcia testified that he did so to overcome § 87(2)(b) resistance. Despite § 87(2)(b) testimony that she was not resisting, the BWC footage shows that she was clearly resisting the officers' attempts to handcuff her from the moment that she learned she was under arrest by bracing herself against walls and pushing back against the officers (See Allegations B and C). Furthermore, once PO Garcia and PO McLeish placed § 87(2)(b) against the wall and attempted to handcuff her, she broke free from the officer's grasp at which point PO Garcia took her to the floor. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation F – Discourtesy: Police Officer Jason Garcia spoke discourteously to § 87(2)(b).

§ 87(2)(b)

Allegation G – Abuse of Authority: Police Officer Jason Garcia threatened § 87(2)(b) with the use of force.

Allegation H – Discourtesy: Police Officer Danilo McLeish spoke discourteously to § 87(2)(b).

§ 87(2)(b) alleged that after PO Garcia took her to the floor, she laid face down on the ground. § 87(2)(b) put her hands in front of herself, turned onto her back, and asked what the officers were doing. PO Garcia pointed his taser at § 87(2)(b) face and said, “You kicked me.” § 87(2)(b) denied kicking PO Garcia (**Board Review 02**).

PO McLeish’s BWC footage, starting at the 10:23 mark of the timestamp visible at the bottom of the screen, shows that after PO Garcia took § 87(2)(b) to the floor, she lays on her back and attempts to get up. PO Garcia pushes her back down and orders her to turn around. § 87(2)(b) says, “No, you’re not going to do this to me.” PO Garcia continues to struggle to get § 87(2)(b) turned onto her stomach. At 10:37, PO Garcia says to § 87(2)(b) “You’re going to get fucking tased.” PO Garcia then draws his taser, takes off the prong pack, points it at § 87(2)(b) and arcs it in drive stun mode, though the taser is never placed against § 87(2)(b). § 87(2)(b) asks, “What am I doing?” before voluntarily turning onto her stomach. PO Garcia and PO McLeish then attempt to handcuff § 87(2)(b). At 11:01, PO McLeish says, “Give me your fucking hands.” § 87(2)(b) right hand, which is toward PO McLeish, is out of view and it is unclear what § 87(2)(b) is doing in this moment. PO Garcia and PO McLeish then handcuff § 87(2)(b) and stand her up (**Board Review 11**).

PO Garcia testified that while on the floor, § 87(2)(b) continued to flail her arms and kicked and successfully made contact with PO Garcia’s groin. PO Garcia removed his taser, took off the prong pack, and issued a warning arc by pointing it toward her and arching the taser. PO Garcia was trained in utilizing a warning arc to gain compliance in the Police Academy. § 87(2)(b) then became compliant and the officers placed her in handcuffs. PO Garcia did not recall using profanity while speaking with § 87(2)(b). The officers then stood § 87(2)(b) up. After reviewing PO McLeish’s BWC footage, PO Garcia acknowledged that the video showed that he used profanity, but PO Garcia did not recall doing so, did not know why he used profanity and did not know if he was using it to stress the seriousness of his command. PO Garcia pointed the taser at § 87(2)(b) face to display the arc warning to her – even though the red dot is illuminated, the darts were not installed and could not be deployed (**Board Review 07**).

PO McLeish testified that on the ground, § 87(2)(b) pulled her arms away from the officers and kicking them. § 87(2)(b) kicked PO McLeish in his leg – he did not respond and just focused on placing her in handcuffs. PO McLeish did not recall if PO Garcia had his taser out or if he arced his taser. After reviewing his BWC footage, he acknowledged that the video shows PO Garcia arcing his taser, but PO McLeish did not have an independent recollection of this moment. PO McLeish identified himself as the officer saying, “give me your fucking hands.” He used the profanity to stress the seriousness of his command and to get her to comply with the order to place her hands behind her back. (**Board Review 08**).

Police officers must be courteous and respectful when dealing with civilians NYPD Patrol Guide, Procedure 203-09 (**Board Review 13**). While officers are allowed to use discourteous language during stressful situations, officers are only permitted to do so when scenes are so chaotic that the duty of courteousness and professional behavior should be overridden by the immediate need to maintain order Disciplinary Case No. 2018-18951 (**Board Review 14**).

According to Patrol Guide Procedure 221-08, a Taser, or Conducted Electrical Weapon (CEW), should only be used against person who is actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or others present. Active resisting includes physically evasive movements to defeat a member’s attempt at control. A Warning Arc is the

discharge of a CEW, with the cartridge removed, that displays a visible and audible arcing or electricity between the front electrodes of the CEW to the intended subject. A Warning Arc may be used to attempt to achieve voluntary compliance (**Board Review 15**).

PO McLeish's BWC footage shows that from the moment the officers initiated the arrest, § 87(2)(b) resisted them, braced herself against walls, pushed back against the officers, and successfully pulled her body away from the officers (See Allegations A-E). After being taken to the floor, § 87(2)(b) laid on her back, ignored commands to turn around, evaded the officers' grasps and resisted being placed into handcuffs throughout this portion of the incident. As per the Patrol Guide, PO Garcia could have used his Taser on § 87(2)(b) because she actively resisted being placed into handcuffs. The Patrol Guide does not outline when, specifically, officers should conduct a 'Warning Arc.' § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation I – Discourtesy: Police Officer Danilo McLeish spoke discourteously to § 87(2)(b).

§ 87(2)(b) alleged that as PO McLeish was escorting § 87(2)(b) down the stairs and to the police car, PO McLeish told § 87(2)(b) "Bring your blood clot on." § 87(2)(b) noted that this is a curse word in West Indian and Jamaican dialects and that it is the equivalent of calling someone "motherfucker." § 87(2)(b) acknowledged that she was arguing with and cursing at PO McLeish (**Board Review 02**).

PO McLeish' BWC footage, starting at the 13:00 mark of the timestamp visible at the bottom of the screen, shows that while walking out of the building § 87(2)(b) says several things to PO McLeish, including calling him a pussy, telling him, "suck your mother," and calling him a "foreign bitch." PO McLeish initially responds by telling § 87(2)(b) to easy herself, but § 87(2)(b) continues to yell and curse at PO McLeish. At 13:27, § 87(2)(b) tells PO McLeish that she wants her coat. PO McLeish responds, "I'll get everything, easy yourself. Easy yourself bloodclot." § 87(2)(b) tells PO McLeish to easy himself and again calls him a pussy (**Board Review 11**).

PO McLeish initially did not recall using profanity with § 87(2)(b). After reviewing the BWC footage, he testified that he told § 87(2)(b) to be easy and said "Bloodclot" to stress the command to be easy. Bloodclot is a Jamaican Patois term used to stress something that is being said, but is not a discourteous term (**Board Review 08**).

According to UrbanDictionary.com, Bloodclot, is Jamaican slang equivalent to "fuck" and is often used as an interjection to express disgust or dismay. It's an insulting vulgarity that literally refers to either menstrual pads or toilet paper (**Board Review 16**).

Police officers must be courteous and respectful when dealing with civilians NYPD Patrol Guide, Procedure 203-09 (**Board Review 13**). While officers are allowed to use discourteous language

during stressful situations, officers are only permitted to do so when scenes are so chaotic that the duty of courteousness and professional behavior should be overridden by the immediate need to maintain order Disciplinary Case No. 2018-18951 (**Board Review 14**).

Despite PO McLeish's understanding of the meaning of the word, § 87(2)(b) testified that the word is the equivalent of "motherfucker," and her statement is supported by the UrbanDictionary.com definition, which shows the word is equivalent to "fuck." The BWC footage shows that § 87(2)(b) was already in custody when PO McLeish made the discourteous statement, and that it was not used in the context of a chaotic situation.

§ 87(2)(g)

Allegation J – Force: An officer used physical force against § 87(2)(b)

Allegation K – Force: An officer used physical force against § 87(2)(b)

§ 87(2)(b) testified that after the incident, she learned from her eight-year-old son, § 87(2)(b) and her 11-year-old son, § 87(2)(b) that the officers had physical altercations with her sons in the living room. However, she did not witness this. § 87(2)(b) told § 87(2)(b) that a black officer was "swinging" him, while § 87(2)(b) stated that another officer held his hands behind his back (**Board Review 02**).

§ 87(2)(b) testified that after officers started to arrest § 87(2)(b) he tried to run over to § 87(2)(b). An officer held § 87(2)(b) by his right shoulder to prevent him from approaching § 87(2)(b) and told him to relax. The officer turned § 87(2)(b) around so he faced away from § 87(2)(b). § 87(2)(b) did not see officers use force on § 87(2)(b) and did not testify that an officer swung him (**Board Review 17**).

§ 87(2)(b) testified that after officers took § 87(2)(b) into the hallway to arrest her, he and § 87(2)(b) followed to try and free her. An officer told § 87(2)(b) to stop crying and grabbed § 87(2)(b)'s left arm. The officer held § 87(2)(b)'s arms behind his back with his head against the wall just outside of the apartment door in the hallway. The officer brought § 87(2)(b) back into the apartment and § 87(2)(b) pushed back against the officer. He broke free and ran back to the hallway. Three officers pushed § 87(2)(b) back into the front door of the apartment by his shoulders. § 87(2)(b) attempted to push back against the officers. An officer pushed § 87(2)(b) back hard by his shoulders causing him to move back into the apartment (**Board Review 18**).

PO Kassane's, PO Krauss, and PO Acostavilla's BWC footage show that the three officers held § 87(2)(b) and § 87(2)(b) back while § 87(2)(b) was being arrested. The BWC footage shows that the officers held onto their arms and escorted them back into the apartment by walking them while holding onto their shoulders. At no point does an officer swing § 87(2)(b) and at no point does an officer shove § 87(2)(b) (**Board Review 03, 19, 20**).

PO Kassane's, PO Krauss', and PO Acostavilla's statements were generally consistent. Each officer testified that § 87(2)(b) and § 87(2)(b) attempted to get past them to approach § 87(2)(b) as she was being arrested. The officers held § 87(2)(b) and § 87(2)(b) back by their arms and escorted them back into the apartment. Each officer denied using force on § 87(2)(b) or § 87(2)(b) and denied seeing any other officer do so (**Board Review 04, 06, 05**).

§ 87(2)(b) alleged that § 87(2)(b) told her that an officer swung him. § 87(2)(b) testified that an officer held him back from approaching § 87(2)(b) as she was being arrested, and § 87(2)(b)

§ 87(2)(b) alleged that an officer pushed him back into the apartment. Each officer denied using any force and their statements are supported by the BWC, which shows that the officers did not use any force § 87(2)(b) and § 87(2)(b) and simply held them back and escorted them into the apartment by walking while holding their shoulders § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) § 87(2)(b) and § 87(2)(b) have been a party (**Board Review 21**).
- PO Garcia has been a member of service for two years and has been a subject in four additional CCRB complaints 18 allegations, all of which are still pending investigation. § 87(2)(g)
- PO McLeish has been a member of service for three years and has been a subject in four additional CCRB complaints and ten allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming physical pain, medical expenses, and emotional trauma and seeking \$500,000 as redress. § 87(2)(b)
- § 87(2)(b)

Squad No.: 06

Investigator: Inv. Thomas Juliano Inv. Thomas Juliano 04/28/2022
Signature Print Title & Name Date

Squad Leader: IM Jessica Peña IM Jessica Peña 4/29/2022
Signature Print Title & Name Date